



UNITED STATES PROBATION & PRETRIAL SERVICES
District of New Hampshire

MEMORANDUM

DATE: October 18, 2023

TO: Honorable Talesha Leah Saint-Marc
U.S. Magistrate Judge

FROM: Steven R. Seero
Supervisory U.S. Probation Officer

RE: U.S. vs Dale Stewart, Jr. (Dkt. #23-CR-60-01-SE)

Report of Bail Violation – Warrant Recommended

The probation officer respectfully requests that the Court issue a warrant for Dale Stewart, Jr. so that he may be brought before the Court to show cause as to why bail should not be revoked. In support of this request, the probation officer offers the following information.

Release Status

On May 3, 2023, the defendant was arrested pursuant to a warrant issued by this Court. Later that same day, the defendant made his initial appearance and stipulated to detention without prejudice. On September 22, 2023, the defendant (through counsel) submitted a Bail Motion to Set Bail Pending Trial, Hearing Requested. On October 4, 2023, the defendant appeared in this Court and was released with multiple conditions, to include pretrial supervision.

Trial in this matter is currently scheduled for January 23, 2024.

Details of Current Violation

Condition #7(p): The defendant shall refrain from any unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a licensed medical practitioner. On or about October 14, 2023, the defendant unlawfully possessed and used a controlled substance, methamphetamine, for which he did not have a valid prescription.

Evidence in support of this violation includes 1) the probation officer's testimony about a saliva sample the defendant submitted on October 17, 2023, which tested positive for methamphetamine; and 2) the probation officer's testimony about the defendant's admission that he used methamphetamine on October 14, 2023.

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On October 17, 2023, the probation officer met with the defendant and his wife at their residence. The defendant presented with rapid changes in his emotions, to include periods of crying, and was deceptive when initially questioned about his drug use. The defendant also articulated to the probation officer that at times he has “a hard time doing the right thing” when discussing his mental state.

During the visit by the probation officer, the defendant provided a saliva sample which tested positive for methamphetamine. Eventually, after extensive discussion with the probation officer, the defendant admitted that he snorted methamphetamine while at a friend’s house on October 14, 2023. Though not specifically violation conduct, during the home inspection, the probation officer observed several air rifles, which were realistic in appearance to traditional firearms.

The probation officer calls attention to the defendant’s prior Motion to Set Bail Pending Trial, Hearing Requested, which informed the Court of the defendant’s intention to enroll in an assessment at Spaulding Rehabilitation Hospital. The probation officer is also aware, based on the defendant’s representation on October 17, 2023, that he has not identified a date for that assessment, nor is he insured. Of note, the probation officer does not have an ability to contract for such an assessment. The probation officer is aware that Stewart may suffer from cognitive issues that impact his ability to function and may require intervention in some form; however, the nature of the instant offense and his present methamphetamine use, combined with his initial deception when questioned about his substance use, suggest that he poses a serious risk to the public at this time that cannot be mitigated through supervision.

Recommendation

Based on the noncompliance described above, it appears that the defendant has engaged in violation conduct while released on bail and this officer respectfully recommends a warrant be issued and the defendant be brought before the Court to show cause why his bail should not be revoked.

Reviewed by:

Submitted by:

/s/ Kevin L. Lavigne 10/18/23

Kevin L. Lavigne Date

Deputy Chief U.S. Probation Officer

/s/ Steven Seero 10/18/23

Steven Seero Date

Supervisory U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant/Matter Sealed Pending Arrest
- ☐ The Issuance of a Summons
- ☐ Other



10/18/2023

Honorable Talesha Leah Saint-Marc

U.S. Magistrate Judge